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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,994	11/17/2003	Brian G. Morin	5150A	2284

7590

01/10/2006

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EXAMINER

JUSKA, CHERYL ANN

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,994

Applicant(s)

MORIN ET AL.

Examiner

Cheryl Juska

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-26 is/are pending in the application.
- 4a) Of the above claim(s) 20-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of the species of claims 9-19 in the reply filed on October 21, 2005, is acknowledged. Claims 20-26 are hereby withdrawn as non-elected.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,804,274 issued to Nordin.

Nordin discloses a cleaning cloth comprising a knitted or woven base fabric having short loops on both faces thereof and long loops on one face thereof intermingled with said short loops (abstract, Figure 1, and col. 2, lines 33-42). The short loops may be formed of microfilaments having a fineness of less than 1 dtex (0.9 denier), while the long loops may be formed of fibers having a fineness substantially above 1 dtex (col. 2, lines 57-62). Said long loops may be made from continuous filaments or spun yarns (col. 2, lines 62-65). In one embodiment, the short loops are made from microfilament yarns having 330 dtex (297 den) and 0.3 dtex (0.27 den) per filament (col. 3, lines 64-67). Such a yarn has approximately 1,050 filaments per yarn (col. 2,

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lines 47-52). Since the long loop filaments are coarser than the short loop filaments, said long loops will inherently be stiffer than said short loops.

Thus, Nordin teaches the presently claimed invention with the exception that the long loops filaments are at least about 10 denier per filament greater than the filaments of the short loops. However, it is argued that this feature is obvious over the cited Nordin patent. Specifically, Nordin does teach a greater filament size for the longer loops (i.e., substantially greater than 1 dtex). Additionally, Nordin teaches said longer loops have a brushing or sweeping effect (col. 3, lines 5-10). As such, it would have been readily obvious to one of ordinary skill in the art to select a denier per filament for the long loop filaments within the range presently claimed in order to optimize the brushing or sweeping function. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 205 USPQ 215. Therefore, claims 9-13 and 19 are rejected as being obvious over the cited prior art.

Regarding claim 14, Nordin fails to explicitly teach the long loops are made from monofilament yarns. However, coarse monofilaments are well known in the art as suitable materials for pile articles wherein a scrubbing or brushing action is desired. Applicant is hereby given Official Notice of this fact. [The examiner notes that the facts asserted to be common and well-known are capable of instant and unquestionable demonstration as being well-known. To adequately traverse such a finding, applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art.] As such, it would have been readily obvious to employ a monofilament yarn rather than the multifilament yarn or spun or plied yarn of Nordin

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in order to optimize the scrubbing or brushing action of the cleaning cloth. Therefore, claim 14 is also rejected.

4. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the cited Nordin patent in view of JP 2000-279210 issued to Yamazaki.

Nordin fails to teach or suggest employing a long loop yarn (a) having a cross-sectional aspect ratio of greater than 1.2, (b) having a cross-sectional shape including at least one corner edge, (c) having a rectangular cross-sectional shape, or (d) comprising a slit film yarn. Nordin merely teaches long loop yarns of multifilament or spun yarns. However, it would have been obvious to one of ordinary skill in the art to employ long loop yarns as claimed. Specifically, said yarns are known in the art. For example, Yamazaki teaches a looped fabric comprising fibers of a lobed cross-sectional shape and/or an aspect ratio of 1.2-4 (abstract). Thus, it would have been obvious to one skilled in the art to employ a non-round cross-section fiber for the long loop yarns of Nordin in order to enhance the contact area for the scrubbing or brushing action of the cleaning cloth. Hence, claims 15-18 are also rejected.

Conclusion


5. The art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Juska whose telephone number is 571-272-1477. The examiner can normally be reached on Monday-Friday 10am-6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached

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at 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CHERYL A. JUSKA
PATENT EXAMINER

cj
January 5, 2006